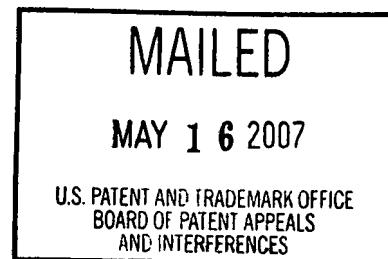


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte THEODORE C. JOHNSON,
DANIEL J. BALBIERZ, and
ROBERT M. PEARSON

Application No. 09/916,214



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 2, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

On February 17, 2006, an Examiner's Answer was entered into the record. In the Evidence Relied Upon section, page no. 2, section (8), the Examiner has stated that "No evidence is relied upon by the Examiner in the rejection of the claims under appeal." A review of the file reveals that references to Gough et al. (US 5,683,384) and Gough et al. (US 5,800,484) were applied to the statement of rejections in the Grounds of Rejection, page no. 3, section (9) of the Examiner's answer.


Application 09/916,214

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections and any other evidence relied upon by the Examiner in the rejection(s) of the appealed claims. See the Manual of Patent Examining Procedure, (MPEP)§ 1207.02(A)(8). Appropriate correction is required.

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 having the missing references listed under the Evidence Relied Upon section, paragraph (8); and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
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PJN/vsh

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